

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

CASE NO. 5:22-CV-00241-M

DAVID WEAVER,

Plaintiff,

v.

THE CITY OF RALEIGH, and OFFICER
OMAR I. ABDULLAH, OFFICER
TAYLORE LEGGETT, and SERGEANT
WILLIAM ROLFE, in their individual and
official capacities,

Defendants.

**DEFENDANT OFFICER
TAYLORE LEGGETT'S ANSWER TO
FIRST AMENDED COMPLAINT**

Defendant Taylore Leggett ("Leggett"), through counsel, answers Plaintiff's Amended Complaint as follows:

I. Introduction

1. Denied that Defendant Leggett fabricated evidence against Plaintiff or had any knowledge of any other officer doing so. The remaining allegations of Paragraph 1 are denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

2. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

3. Denied that Defendant Leggett planted crack cocaine in Plaintiff's underwear or had any knowledge of any other officer doing so. The remaining allegations of Paragraph 3 are denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

4. Denied that Defendant Leggett planted drugs on Plaintiff or had any knowledge of any other officer doing so. The remaining allegations of Paragraph 4 are denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

5. Admitted on information and belief.

6. Admitted that Plaintiff has filed a lawsuit; denied that Plaintiff has any basis for recovery from Defendant Leggett.

II. Parties

7. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof

8. Admitted that Defendant Leggett was employed by the City of Raleigh at the time of the events described in Amended Complaint. The remaining allegations are not directed at Defendant Leggett and no response is required of him. To the extent a response is required, these allegations are denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

9. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

10. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

11. Admitted on information and belief that Officer Omar Abdullah was a police officer employed by the City of Raleigh. The remaining allegations of paragraph 11 are denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

12. Admitted on information and belief.

13. Admitted that Defendant Leggett was formerly employed by the Raleigh Police Department and that he has been named in this lawsuit; denied that Plaintiff has any basis for recovery from Defendant Leggett.

III. Jurisdiction

14. Denied as stated, but Defendant Leggett does not contest this Court's jurisdiction.

15. Denied as stated, but Defendant Leggett does not contest this Court's jurisdiction.

IV. Venue

16. Denied as stated, but Defendant Leggett does not contest venue.

V. Facts

A. The RPD VICE Unit and the Use of Confidential Informants

17. Admitted on information and belief.

18. Admitted on information and belief that Officer Omar Abdullah was a police officer in the RPD VICE unit. The remaining allegations of Paragraph 18 are denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

19. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

20. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

21. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

22. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

23. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

24. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

25. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

26. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

27. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

28. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

B. RPD VICE Recruits Dennis Leon Williams, Jr., an Unreliable Confidential Informant

29. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

30. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

31. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

32. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

33. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

34. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

35. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

36. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

37. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

38. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

39. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

C. The RPD VICE Officers' Conspiracy

40. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

41. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

42. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

43. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

44. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

45. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

46. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

47. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

48. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

49. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

50. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

51. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

52. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

D. The Wrongful Arrest and Prosecution of Mario King

53. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

54. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

55. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

56. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

57. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

58. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

E. Plaintiff David Weaver is Wrongfully Arrested Based on Fabricated Evidence

59. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

60. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

61. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

62. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

63. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

64. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

65. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

66. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

67. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

68. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

69. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

70. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

71. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

72. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

73. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

74. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

75. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

F. Officer Abdullah Plants 36 Grams of Crack on Mr. Weaver

76. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

77. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

78. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

79. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

80. Admitted Plaintiff was brought to RPD substation at 1601 Cross Link Road. The remaining allegations of Paragraph 80 are denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

81. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

82. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

83. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

84. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

85. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

86. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

87. Admitted that records indicate that Defendant Leggett served as a witness; except as admitted, denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

88. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

89. Admitted that records indicate that Defendant Leggett served as a witness; except as admitted, denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

90. Admitted that records indicate that Defendant Leggett served as a witness; except as admitted, denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

91. Admitted that records indicate that Defendant Leggett served as a witness; except as admitted, denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

92. Admitted that records indicate that Defendant Leggett served as a witness; except as admitted, denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

93. Admitted that records indicate that Defendant Leggett served as a witness; except as admitted, denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

94. Admitted that records indicate that Defendant Leggett served as a witness; except as admitted, denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

95. Admitted that records indicate that Defendant Leggett served as a witness; except as admitted, denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

96. Admitted that records indicate that Defendant Leggett served as a witness; except as admitted, denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

97. Admitted that records indicate that Defendant Leggett served as a witness; except as admitted, denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

98. Admitted that records indicate that Defendant Leggett served as a witness; except as admitted, denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

99. Admitted that records indicate that Defendant Leggett served as a witness; except as admitted, denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

100. Admitted that records indicate that Defendant Leggett served as a witness; except as admitted, denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

101. Admitted that records indicate that Defendant Leggett served as a witness; except as admitted, denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

102. Admitted that records indicate that Defendant Leggett served as a witness; except as admitted, denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

103. Denied.

104. Denied that Defendant Leggett had knowledge of or assisted Officer Abudullah plant crack cocaine. The remaining allegations of Paragraph 104 are denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

105. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

106. Admitted that records indicate that Defendant Leggett served as a witness; except as admitted, denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

107. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

108. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

109. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

110. Admitted that records indicate that Defendant Leggett served as a witness; except as admitted, denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

111. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

112. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

113. Admitted that records indicate that Defendant Leggett served as a witness. Denied that Defendant Leggett observed another officer plant crack cocaine. Except as admitted,

denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

114. Admitted that records indicate that Defendant Leggett served as a witness. Denied that Defendant Leggett observed another officer plant crack cocaine. Except as admitted, denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

115. Denied.

116. Denied.

117. Denied.

118. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

119. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

120. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

121. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

122. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

G. Mr. Weaver Proclaims His Innocence, But After Spending a Year in Jail, He Pleads Guilty

123. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

124. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

125. Denied that Defendant Leggett planted cocaine on Plaintiff. The remaining allegations of this paragraph are denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

126. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

127. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

H. Mr. Weaver is Released from Prison and His Conviction is Vacated

128. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

129. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

130. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

VI. INJURIES AND DAMAGES

131. Admitted that Plaintiff seeks damages; denied that Defendant Leggett engaged in wrongful actions. Except as admitted, denied.

132. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

133. Denied.

VII. CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

(Fourth Amendment: Malicious Prosecution or Prosecution Without Probable Cause under 42 U.S.C. § 1983 against Officers Abdullah, Rolfe, and Leggett)

134. Defendant Leggett incorporates his responses to the preceding paragraphs as if fully set forth herein.

135. The allegations of this paragraph call for a legal conclusion and no response is required.

136. Denied.

137. Denied.

138. Denied.

139. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

140. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

141. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

142. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

143. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

144. Denied.

145. Denied.

146. Denied.

147. Denied.

148. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

149. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

150. Denied.

SECOND CLAIM FOR RELIEF
(Fourth and Fourteenth Amendment: Fabrication of Evidence under 42 U.S.C. § 1983 against Officers Abdullah and Leggett)

151. Defendant Leggett incorporates his responses to the preceding paragraphs as if fully set forth herein.

152. The allegations of this paragraph call for a legal conclusion and no response is required.

153. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

154. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

155. Denied.

156. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

157. Denied.

158. Denied.

THIRD CLAIM FOR RELIEF
(Fourth and Fourteenth Amendment: Failure to Intervene under 42 U.S.C. § 1983 against Officer Leggett)

159. Defendant Leggett incorporates his responses to the preceding paragraphs as if fully set forth herein.

160. Denied.

161. Denied.

162. Denied.

163. Denied.

164. Denied.

165. Denied.

166. Denied.

FOURTH CLAIM FOR RELIEF
(Malicious Prosecution under North Carolina State Law against
Officers Abdullah, Rolfe and Leggett)

167. Defendant Leggett incorporates his responses to the preceding paragraphs as if fully set forth herein.

168. Denied.

169. Denied.

170. Denied.

171. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

172. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

173. Denied.

174. Denied.

175. Denied.

176. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

177. Denied.

FIFTH CLAIM FOR RELIEF
(Unreasonable Prolonged Detention in violation of the Fourth Amendment
and 42 U.S.C. § 1983 against Officers Abdullah, Rolfe and Leggett)

178. Defendant Leggett incorporates his responses to the preceding paragraphs as if fully set forth herein.

179. Denied.

180. Denied.

181. Defendant Leggett had no knowledge of body camera footage of the alleged sale. The remaining allegations of this paragraph are denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

182. Denied that Defendant Leggett had any such knowledge. The remaining allegations of this paragraph are denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

183. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

184. Denied that Defendant Leggett had any such knowledge. The remaining allegations of this paragraph are denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

185. Denied that Defendant Leggett had any such knowledge. The remaining allegations of this paragraph are denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

SIXTH CLAIM FOR RELIEF
(Fourth Amendment: *Monell* Liability for Unconstitutional RPD Policies and Omissions of
RPD VICE and Management of Informants, 42 U.S.C. § 1983
against the City of Raleigh)

186. Defendant Leggett incorporates his responses to the preceding paragraphs as if fully set forth herein.

187. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

188. Denied.

189. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

190. Denied.

191. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

192. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof. s

193. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

194. Denied for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

195. Denied.

All allegations not otherwise addressed are denied.

FIRST AFFIRMATIVE DEFENSE

Defendant Leggett pleads qualified immunity in defense to Plaintiff's federal claims.

SECOND AFFIRMATIVE DEFENSE

Defendant Leggett pleads public official immunity in defense to Plaintiff's state-law claims.

THIRD AFFIRMATIVE DEFENSE

Defendant Leggett pleads, in bar to Plaintiff's right to recover, all other applicable immunities that he is entitled to by operation of law.

FOURTH AFFIRMATIVE DEFENSE

Defendant Leggett pleads in defense to Plaintiff's claims that superseding bad acts of others brought about Plaintiff's injuries.

FIFTH AFFIRMATIVE DEFENSE

Defendant Leggett pleads all defenses, rights, remedies, immunities, and limits on punitive damages under section 1D of the North Carolina General Statutes and the state and federal Constitutions, including the Fifth, Fourteenth, and Eighth Amendments.

SIXTH AFFIRMATIVE DEFENSE

Defendant Leggett reserves the right to add such other and further defenses as may be supported by the facts in this action.

VIII. PRAYER FOR RELIEF

WHEREFORE, having fully answered the Amended Complaint in this action, Defendant Officer Taylore Leggett prays:

1. That Plaintiff have and recover nothing from him; and
2. That Plaintiff's Amended Complaint be dismissed with prejudice; and
3. That the costs of this action, including reasonable attorney's fees for the defense thereof, be taxed to the Plaintiff; and
4. That there be a trial by jury of all issues of fact so triable; and
5. That the issues of liability be bifurcated from the issues of damages; and

6. That the same jury that tries issues relating to liability be empaneled to try any issues relating to damages; and

7. For such other and further relief as the Court may deem just and proper.

Respectfully submitted this the 30th day of September, 2022.

/s/ Leslie C. Packer

Leslie C. Packer

N.C. Bar No. 13640

Michelle A. Liguori

N.C. Bar No. 52505

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*Attorneys for Defendant Officer Taylore Leggett,
in his individual capacity*

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which sends notification of such filing to all counsel of record as follows:

Abraham Rubert-Schewel Tin Fulton Walker & Owen, PLLC 119 E. Main Street Durham, NC 27701 schewel@tinfulton.com <i>Counsel for Plaintiffs</i>	Emily Gladden Tin Fulton Walker & Owen, PLLC 204 N. Person Street Raleigh, NC 27601 egladden@tinfulton.com <i>Counsel for Plaintiffs</i>
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This the 30th day September 2022.

/s/ Leslie C. Packer

Leslie C. Packer
Michelle A. Liguori